

REMARKS

Claims 1-132 are pending in this application. Claims 1-6, 8, 11, 12, 14, 16-21, 23, 26, 27, 29, 31-36, 38, 41, 42, 44, 46-51, 53, and 56-67 stand rejected and claims 7, 9-10, 13, 15, 22, 24-25, 28, 30, 37, 39-40, 43, 45, 52, 54-55, 58, and 60 are objected to. Applicants wish to thank the Examiner for the indication of allowance of claims 62-132, and the indication of allowable subject matter in claims 7, 9-10, 13, 15, 22, 24-25, 28, 30, 37, 39-40, 43, 45, 52, 54-55, 58, and 60. By this Amendment, claim 5 has been amended. The amendment made to the claim does not alter the scope of the claim, nor has this amendments been made to define over the prior art. Rather, the amendment to the claim has been made for cosmetic reasons to improve the form thereof. In light of the amendments and remarks set forth below, Applicants respectfully submit that each of the pending claims is in immediate condition for allowance.

Claims 1, 4, 12, 16, 19, 27, 31, 34, 42, 46, 49, and 57 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,890,076 (“Takano”) in view of U.S. Patent No. 6,356,758 (“Almeida”). Applicants respectfully request reconsideration and withdrawal of this rejection.

To establish a *prima facie* case of obviousness, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify a reference or combine references to arrive at the claimed subject matter. The prior art references must also teach or suggest all the limitations of the claim in question. See, M.P.E.P. § 706.02(j). A reference can only be used for what it clearly discloses or suggests.

See, In re Hummer, 113 U.S.P.Q. 66 (C.C.P.A. 1957); In re Stencel, 4 U.S.P.Q.2d 1071, 1073 (Fed. Cir. 1987). Here, the references, whether taken individually or in combination, do not disclose or suggest the invention claimed by the Applicants.

The Office Action admits that Takano is silent with respect to a terminal that sends conditions about a user's layout from the terminal to a server via a communication line and sending information to said radio user terminal via the communication line. The Office Action further admits that Takano's teachings are directed "to a computer located at the base station and hence does not disclose a user with a mobile 'radio terminal' that transmits data to/from said base station computer." Office Action at 4. In an attempt to cure these deficiencies, the Office Action asserts that one skilled in the art would utilize Almeida. Applicants respectfully disagree, even if one were to combine these two references, one would not arrive at Applicants' explicitly claimed invention.

In Applicants' claimed invention, as illustrated by claim 1, a user terminal sends conditions about a user's layout from the user's terminal to a server via a communication line. The server, which receives the area layout conditions from the user terminal, generates the user's radio propagation environment and then sends the information from the server to the user terminal via the communication line. The combination of Takano and Almeida fail to disclose this.

In Takano, the shape of the area is a system input as well as obstacle information for the area. Line of sight information between matrix points at which base stations and mobile stations can be arranged is determined. This is shown in Figures 4, 6, 7, 9-11, and 13. In those Figures, the line of sight data is shown by

having a circle in the matrix. Using this system, base stations are arranged at positions which have the widest service area thereby covering a desired area with the minimum number of base stations. However, it should be noted that the user, i.e., the mobile station, is not provided with the user's radio propagation environment. Additionally, it should be noted that there is no disclosure in Takano that the user terminal is performing steps S201 and S202 input shape data of area and input obstacle information.

Almeida discloses a wireless tool for cellsite planning. As in Takano, there is no communication between a user terminal and a server, which generates a radio propagation environment for a specific radio base station and radio terminal pair. In Almeida, a network management system includes a communicator for communicating information between the system and a remote site. The communication device retrieves information, for example, propagation data from the remote site and sends antenna changes to the remote site. Almeida gives the example of a network manager making simulated changes to an antenna system and communicating those changes to the cellsite. However, Almeida fails to disclose the server providing propagation data to a user as explicitly recited in Applicants' claims.

It should further be noted that Applicant's claim recites generating a user's radio propagation environment and providing this information to said user terminal. At no point does Almeida provide a user's area radio propagation environment information (i.e., the propagation characteristics of a radio base station) to a user (i.e., a mobile station receiving and transmitting data to and from a radio base station). Almeida merely determines coverage area for a cell site and modifies

antenna positioning to vary the cell site coverage. At no point is this information provided to a mobile station. As such, the mobile station (the end user) is never provided with the propagation data.

According to Applicants' claims, the user terminal transmits the area layout to the server which calculates the propagation environment and transmits this propagation environment information to the user terminal. The user can use this information for proper device placement. These steps are not present in Almeida. Therefore, Applicants assert that claim 1 is allowable over the cited reference.

Claims 16 and 31 are apparatus claims which correspond to the method of claim 1. As discussed above, method claim 1 is allowable over the cited combination. Applicants assert that claims 16 and 31 are allowable over the cited references for the same reasons.

Among the limitations of independent claim 46 not present in the cited combination is receiving means for receiving conditions about the user's area layout from a user apparatus. As discussed above, the cited combination fails to disclose receiving the user's area layout from the user apparatus. Thus, for the same reasons that claim 1 above is allowable, claim 46 is allowable over the cited references.

Claims 2-15 depend either directly or indirectly from, and contain all the limitations of claim 1. These dependent claims also recite additional limitations which, in combination with the limitations of claim 1, are neither disclosed nor suggested by the cited references and are also believed to be directed towards the patentable subject matter. Thus, claims 2-15 should also be allowed.

Claims 17-30 depend either directly or indirectly from, and contain all the limitations of claim 16. These dependent claims also recite additional limitations which, in combination with the limitations of claim 30, are neither disclosed nor suggested by the cited references and are also believed to be directed towards the patentable subject matter. Thus, claims 17-30 should also be allowed.

Claims 32-45 depend either directly or indirectly from, and contain all the limitations of claim 31. These dependent claims also recite additional limitations which, in combination with the limitations of claim 31, are neither disclosed nor suggested by the cited references and are also believed to be directed towards the patentable subject matter. Thus, claims 32-45 should also be allowed.

Claims 47-60 depend either directly or indirectly from, and contain all the limitations of claim 46. These dependent claims also recite additional limitations which, in combination with the limitations of claim 46, are neither disclosed nor suggested by the cited references and are also believed to be directed towards the patentable subject matter. Thus, claims 47-60 should also be allowed.

Additionally, the Office Action rejects claims 2, 3, 6, 8, 17, 18, 21, 23, 32-33, 36, 38, 47, 48, 51, and 53 under 35 U.S.C. § 103(a) as being unpatentable over Takano in view of Almeida and further in view of U.S. Patent No. 6,347,398 ("Parthasarathy"). Applicants respectfully request reconsideration and allowance of these claims. As discussed above, Takano and Almeida fail to disclose the explicitly recited limitations in claims 1, 16, 31, and 46. Parthasarathy was not included to cure the deficiencies recited above but to disclose additional limitations which, even if it were to disclose, does not cure the deficiencies discussed above. Therefore,

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Applicants respectfully assert that these claims are allowable over the cited references.

Applicants have responded to all of the rejections and objections recited in the Office Action. Reconsideration and a Notice of Allowance for all of the pending claims are therefore respectfully requested.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

If the Examiner believes an interview would be of assistance, the Examiner is welcome to contact the undersigned at the number listed below.

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Respectfully submitted,

By

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